

**Commonwealth of Kentucky
Natural Resources and Environmental Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382**

**Title V
AIR QUALITY PERMIT
Issued under 401 KAR 52:020**

Permittee Name: Austin, Nichols & Co., Incorporated (Wild Turkey)
Mailing Address: 1525 Tyrone Road, Lawrenceburg, Kentucky 40342-0180

Source Name: Same as above
Mailing Address: Same as above

Source Location: Tyrone Road, Lawrenceburg, Kentucky

Permit Number: V-03-038 R1
Source AI: 28
Review Type: Operating, TV
Source ID #: 21-005-00003 (distillery) and 21-005-00007 (warehouse)
Activity #: APE20050001

Regional Office: Frankfort Regional Office
623 Teton Trail, Suite B
Frankfort, KY 40601-1758
(502) 564-3358

County: Anderson

Application
Complete Date: September 17, 2003
Issuance Date: January 29, 2004
Revision Date: April 25, 2005
Expiration Date: January 29, 2009

**John S. Lyons, Director
Division for Air Quality**

TABLE OF CONTENTS

SECTION	DATE OF ISSUANCE	PAGE
A. PERMIT AUTHORIZATION	January 29, 2004	1
B. EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS	January 29, 2004 April 25, 2005	2
C. INSIGNIFICANT ACTIVITIES	January 29, 2004	17
D. SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS	January 29, 2004	18
E. SOURCE CONTROL EQUIPMENT OPERATING REQUIREMENTS	January 29, 2004	19
F. MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS	January 29, 2004	20
G. GENERAL PROVISIONS	January 29, 2004	23
H. ALTERNATE OPERATING SCENARIOS	January 29, 2004	28
I. COMPLIANCE SCHEDULE	January 29, 2004	29

Rev #	Permit type	Log /AI #’s	Complete Date	Issuance Date	Summary of Action
----	V-98-042	F472	2/12/98	2/2/99	Operating Title V Permit
----	V-03-038	55921	9/17/03	1/27/04	Title V Renewal Permit
	V-03-038R1	28	4-27-05	4/25/04	Title V Minor Revision Permit

SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and received a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:020, Title V Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

Emission Unit 1001 (01-001) Grain Receiving

Description:

Grain receiving from straight and hopper trucks into underground hoppers.

Maximum Rated Capacity: 6.67 tons/hr of grain received

Date Commenced: 1978

Applicable Regulations:

401 KAR 63:010, Fugitive Emissions

1. Operating Limitations:

Pursuant to 401 KAR 63:010, Section 3, reasonable precautions shall be taken to prevent particulate matter from becoming airborne. Such reasonable precautions shall include, when applicable, but not limited to the installation and utilization of hoods, fans, and fabric filters to enclose and vent the emissions generated from the processing of dust generating materials, or use of water sprays or other measures to suppress the dust emissions during handling.

2. Emission Limitations:

Pursuant to 401 KAR 63:010, Section 3, discharge of visible fugitive dust emissions beyond the property line is prohibited.

Compliance Demonstration Method:

Compliance by good operating procedures.

3. Testing Requirements:

None

4. Specific Monitoring Requirements:

The permittee shall monitor the amount of grain received and processed on a monthly basis.

5. Specific Recordkeeping Requirements:

Records of grain received and processed shall be maintained on a monthly basis.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

6. Specific Reporting Requirements:

See Section F.

7. Specific Control Equipment Operating Conditions:

None

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emission Units 2001 (02-001)

Fermentation Vats

Descriptions:

Average Hourly Raw Material Processing Rate: 7.5 (1000 bushels of grain)/hr
Control Device: None
Constructed 1933, Last Modified 1995

APPLICABLE REGULATIONS:

None

1. Operating Limitations:

None

2. Emission Limitations:

None

3. Testing Requirements:

None

4. Specific Monitoring Requirements:

The permittee shall monitor the proof gallons produced on a monthly basis.

5. Specific Recordkeeping Requirements:

Records of proof gallons produced shall be maintained on a monthly basis.

6. Specific Reporting Requirements:

See Section F.

7. Specific Control Equipment Operating Conditions:

None

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emission Unit 3001 (03-001)

Ring Dryer with Process Cyclone 1

Emission Unit 3002 (03-002)

Process Cyclone 2 (Feed to Silo)

Emission Unit 3003 (none)

Natural Gas Furnace for Ring Dryer

Description:

Maximum Raw Material Processing Rate: 2.2 tons/hr of dried grain

Maximum Continuous Rating for Furnace: 17 mmBtu/hr

Control Device: None

Last Modified: 1976

APPLICABLE REGULATIONS:

401 KAR 59:010, New process operations, applicable to an emission unit that commenced on or after July 2, 1975.

1. Operating Limitations:

None

2. Emission Limitations:

- a. Pursuant to 401 KAR 59:010, Section 3(2), particulate emissions into the open air shall not exceed $[3.59(P)^{0.62}]$ lbs/hour, where P is the processing rate in tons/hour.
- b. Pursuant to 401 KAR 59:010, Section 3(1)(a), any continuous emissions into the open air shall not equal or exceed 20% opacity based on a six-minute average.

Compliance Demonstration Method:

- a. For compliance with the PM emission limit, an emission factor of 1.45 lbs PM/ton of raw material processed through the unit shall be used, based on the 1976 stack test for process cyclone 1 (assuming maximum raw material processing rate through the unit), until new information is gathered from the stack tests that shall be performed within 6 months from start-up of the units. Emission factors derived from stack testing are to replace the emission factor currently listed in the permit, and shall be used to calculate future emissions. Compliance with the allowable particulate standard may be demonstrated by calculating particulate emissions using grain processing rate and emission factor information as follows:

PM Emissions (lbs/hour) from grain processing = (emission factor from most recent stack test in lb/ton)(grain processing averaged weekly in tons/hour)

- b. For compliance with visible emissions limit, see Subsection 3, Testing Requirements and Subsection 4, Specific Monitoring Requirements.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

3. Testing Requirements:

- a. The permittee shall determine the opacity of emissions from the stack using U.S. EPA Reference Method 9 annually, or more frequently if requested by the Division.
- b. EPA Reference Method 5 or equivalent shall be performed within 6 months from start-up of this unit to determine the amount of PM emissions per ton of raw material processed through the unit from each stack.

4. Specific Monitoring Requirements:

- a. The permittee shall perform a qualitative visual observation of the opacity of emissions from each stack on a weekly basis and maintain a log of the observations when the unit is in operation. If visible emissions from each stack are seen (not including condensed water vapor within the plume), then the opacity shall be determined by Reference Method 9. If emissions are in excess of the applicable opacity limit, and an inspection shall be initiated for any and all necessary repairs.
- b. The permittee shall monitor the grain processing rate and hours of operation on a weekly basis, when the unit is in operation.

5. Specific Recordkeeping Requirements:

The permittee shall retain records of the following when the unit is in operation:

- a. Records of grain processed and hours of operation shall be maintained on a weekly basis.
- b. Weekly qualitative opacity readings from each stack.
- c. The opacity determined by Reference Method 9, when taken, and documentation of any repairs that were made due to any opacity reading, which exceeded the standard.

6. Specific Reporting Requirements:

See Section F

7. Specific Control Equipment Operating Conditions:

None

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emission Unit 4001 (04-001): **Barrel Filling**
Emission Unit 4002 (05-001): **Aging**
Emission Unit 4003 (06-001): **Barrel Dumping**

Description:

Maximum Raw Material Processing Rate: 335,487 barrels/yr stored at distillery (modified 2005)
67,818 barrels/yr stored at warehouse

Control Device: None

Constructed 1933, Last Modified 2003

APPLICABLE REGULATIONS:

None

1. Operating Limitations:

None

2. Emission Limitations:

None

3. Testing Requirements:

None

4. Specific Monitoring Requirements:

The permittee shall monitor the number of barrels aging at each location (distillery and warehouse) on a yearly basis.

5. Specific Recordkeeping Requirements:

Records of the number of barrels aging at each location (distillery and warehouse) shall be maintained on a yearly basis.

6. Specific Reporting Requirements:

See Section F, Conditions 5, 6, 7 and 8.

7. Specific Control Equipment Operating Conditions:

None

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emission Unit 5001 (07-001): Outside Processing Bottling Tanks

Description:

Maximum Production Rate: 31,804,712 gallons/yr

Constructed or last Modified on or before 1980

Emission Unit 5002 (07-002): Inside Processing Bottling Tanks

Description:

Maximum Production Rate: 45,236,359 gallons/yr

Constructed or last Modified on or before 1980

Emission Unit 5003 (08-001): Fill Lines

Description:

Maximum Production Rate: 86,286,000 gallons/yr

Constructed or last Modified on or before 1990

Emission Unit 5004 (09-001): Pumps, Valves, and Fittings

Description:

375 valves, 25 pump seals, and 150 fittings

Modified continuously, as needed

Applicable Regulations:

None

1. Operating Limitations:

None

2. Emission Limitations:

None

3. Testing Requirements:

None

4. Specific Monitoring Requirements:

The permittee shall monitor the proof gallons processed on a yearly basis.

5. Specific Recordkeeping Requirements:

Records of the proof gallons processed shall be maintained on a yearly basis.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

6. Specific Reporting Requirements:

See Section F, Conditions 5, 6, 7 and 8.

7. Specific Control Equipment Operating Conditions:

None

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emission Units 6001 (10-001): Underfeed Stoker Coal-fired Indirect Heat Exchanger

Description:

Maximum continuous rating: 41.1 mmBtu/hr

Constructed or last Modified: 1982

Control Device: Multicyclones

APPLICABLE REGULATIONS:

401 KAR 59:015, New indirect heat exchangers, applicable to an emissions unit with a capacity of less than 250 mmBtu/hour which commenced on or after April 9, 1972.

Voluntary limits accepted to preclude 401 KAR 51:017.

1. Operating Limitations:

As requested by the permittee and in order to insure non-applicability of 401 KAR 51:017 (Prevention of Significant Deterioration of Air Quality), the coal usage rate in combination with the sulfur content of the coal burned shall not cause emissions of sulfur dioxide to exceed 249 tons in any twelve (12) consecutive months.

For compliance with the 249 tons/yr sulfur dioxide standard, refer to Subsection 4. Specific Monitoring Requirements and Subsection 5. Specific Recordkeeping Requirements.

2. Emission Limitations:

- a. Pursuant to 401 KAR 59:015, Section 4(1), particulate emissions shall not exceed 0.317 lb/mmBtu.
- b. Pursuant to 401 KAR 59:015, Section 4(2), emissions shall not exceed 20% opacity based on a six minute average, except that a maximum of 40% opacity, based on a six minute average, shall be permissible for not more than six consecutive minutes in any consecutive 60 minutes during cleaning the fire-box or blowing soot.
- c. Pursuant to 401 KAR 59:015, Section 5(1), sulfur dioxide emissions shall not exceed 1.72 lb/mmBtu.

Compliance Demonstration Method:

- a. For compliance with the PM emission limit, an emission factor of 6.46 lbs PM/ton shall be used, based on the 11/13/01 stack test, until new information is gathered from the stack test that shall be performed within 2 years from issue of this permit. Emission factors derived from stack testing are to replace the emission factor currently listed in the permit, and shall be used to calculate future emissions.

Particulate emission = [(emission factor from most recent stack test in lbs of PM/ton of coal) divided by (coal heating value for each shipment of coal received in mmBtu/ton)]

- b. For compliance with visible emissions limit, see Subsection 3, Testing Requirements and Subsection 4, Specific Monitoring Requirements.

SECTION B – EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

2. Emission Limitations (Continued):

Compliance Demonstration Method (Continued):

- c. Compliance with the sulfur dioxide standard shall be based on AP-42 emission factors, and may be demonstrated by calculating sulfur dioxide emissions using the following formula:

Sulfur dioxide = [(31 x percent sulfur in coal lb/ton from each shipment of coal received) divided by (coal heating value from each shipment of coal received in mmBtu/ton)].

3. Testing Requirements:

- a. EPA Reference Method 5 or equivalent shall be performed within 2 years from issue of this permit to determine the amount of PM emissions per ton of coal processed. The heating value of coal used during the test shall be specifically tested and documented.
- b. When the unit is in operation, the permittee shall read the opacity of emissions using U.S. EPA Reference Method 9 once a month.

4. Specific Monitoring Requirements:

- a. The permittee shall monitor the heating value, ash and sulfur content of coal by performing analysis on each shipment of coal received.
- b. The permittee shall monitor the amount of fuel combusted on a monthly basis.
- c. The permittee shall calculate the emissions of sulfur dioxide on a monthly basis.
- d. The permittee shall perform a qualitative visual observation of the opacity of emissions from the stack on a daily basis and maintain a log of the observations. If visible emissions from the stack are seen (not including condensed water vapor within the plume), then the opacity shall be determined by Reference Method 9 and an inspection shall be initiated of control equipment for any and all necessary repairs.

5. Specific Recordkeeping Requirements:

- a. The permittee shall maintain the records of the fuel analysis.
- b. The permittee shall maintain the records of the amount of fuel combusted on a monthly basis.
- c. The permittee shall maintain records of the monthly sulfur dioxide emissions and summarize them on a 12-month rolling average.

SECTION B – EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

5. Specific Recordkeeping Requirements (Continued):

- d. The permittee shall maintain the records of daily qualitative opacity readings from the stack, and the opacity determined by Reference Method 9, when taken, and documentation of any repairs that were made due to any opacity reading, which exceeded the standard.

6. Specific Reporting Requirements:

See Section F, Conditions 5, 6, 7, 8 and 9.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emission Units 7001 (10-002): **Natural Gas-fired Indirect Heat Exchanger**

Description:

Maximum continuous rating: 70.2 mmBtu/hr

Constructed or last Modified: 1977

Control Device: None

APPLICABLE REGULATIONS:

401 KAR 59:015, New indirect heat exchangers, applicable to an emissions unit with a capacity of less than 250 mmBtu/hour which commenced on or after April 9, 1972.

1. Operating Limitations:

None

2. Emission Limitations:

- a. Pursuant to KAR 59:015, particulate emissions shall not exceed 0.314 lb/mmBtu.
- b. Pursuant to 401 KAR 59:015, Section 4(2), emissions shall not exceed 20% opacity based on a six minute average, except that a maximum of 40% opacity, based on a six minute average, shall be permissible for not more than six consecutive minutes in any consecutive 60 minutes during cleaning the fire-box or blowing soot.
- c. Pursuant to KAR 59:015, sulfur dioxide emissions shall not exceed 1.09 lb/mmBtu.

Compliance Demonstration Method:

While burning natural gas, this unit is considered to be in compliance with the PM, SO₂, and opacity standards.

3. Testing Requirements:

The permittee shall determine the opacity of emissions from the stack using U.S. EPA Reference Method 9 annually, or more frequently if requested by the Division.

4. Specific Monitoring Requirements:

The permittee shall monitor the amount of natural gas combusted on a monthly basis.

5. Specific Recordkeeping Requirements:

The permittee shall maintain the records of the amount of natural gas combusted on a monthly basis.

SECTION B – EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

6. Specific Reporting Requirements:

See Section F, Conditions 5, 6, 7 and 8.

SECTION B – EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emission Unit 8001 (03-003)

Distillers Dry Grain Loading

Description:

Maximum Rated Capacity: 131,400 tons/yr

Date Commenced: 1968

Applicable Regulations:

401 KAR 63:010, Fugitive Emissions

1. Operating Limitations:

Pursuant to 401 KAR 63:010, Section 3, reasonable precautions shall be taken to prevent particulate matter from becoming airborne. Such reasonable precautions shall include, when applicable, but not limited to the installation and utilization of hoods, fans, and fabric filters to enclose and vent the emissions generated from the processing of dust generating materials, or use of water sprays or other measures to suppress the dust emissions during handling.

2. Emission Limitations:

Pursuant to 401 KAR 63:010, Section 3, discharge of visible fugitive dust emissions beyond the property line is prohibited.

Compliance Demonstration Method:

Compliance by good operating procedures.

3. Testing Requirements:

None

4. Specific Monitoring Requirements:

When the unit is in operation, the permittee shall monitor the amount of distiller's dry grain loaded on a monthly basis.

5. Specific Recordkeeping Requirements:

When the unit is in operation, records of distiller's dry grain loaded shall be maintained on a monthly basis.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

6. Specific Reporting Requirements:

See Section F.

7. Specific Control Equipment Operating Conditions:

None

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:020, Section 6. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

<u>Application Emission Point No.</u>	<u>Description Regulation</u>	<u>Generally</u>	<u>Applicable</u>
01-002	Grain Conveying	401 KAR 59:010	
01-003	Grain Bin Loading	401 KAR 59:010	
01-004	Grain Cleaning	401 KAR 59:010	
01-005	Hammer Milling	401 KAR 59:010	
01-006	Mill Bin Loading	401 KAR 59:010	
03-002	Distiller's Dry Grain Storage	401 KAR 59:010	
08-001	Labeling	NA	
08-003	Printing	NA	
09-010	Blended Waste Oil Tank	NA	
10-003	Coal Stockpile	401 KAR 63:010	
10-004	Coal Bucket Elevator	401 KAR 59:010	
10-005	Coal Silo Loading	401 KAR 59:010	
10-006	Coal Bunker Filling	401 KAR 61:020	
10-007	Ash Loading	401 KAR 63:010	
10-008	Ash Disposal Pile	401 KAR 63:010	
11-001	Unpaved Roads	401 KAR 63:010	
12-001	Wastewater Treatment System	NA	
13-001	Cooling Tower	401 KAR 63:010	
NA	174 HP Diesel Fire Pump	NA	
NA	4.2 mmBtu/hr Bottling Heating Boiler	401 KAR 59:015	
NA	Cookers	NA	
NA	Distillation Column	NA	
NA	Condensers	NA	

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

Particulate matter, sulfur dioxide, and visible emissions, as measured by applicable methods referenced in Regulation 401 KAR 50:015, shall not exceed the respective limitations specified herein.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b (IV)1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place as defined in this permit, and time of sampling or measurements;
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement.
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [Sections 1b(IV) 2 and 1a(8) of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
3. In accordance with the requirements of 401 KAR 52:020 Section 3(1)h the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
 - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
 - b. To access and copy any records required by the permit;
 - c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.
 - d. Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Section 1b (V) 1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

6. The semi-annual reports are due by January 30th and July 30th of each year. Data from the continuous emission and opacity monitors shall be reported to the Technical Services Branch in accordance with the requirements of 401 KAR 59:005, General Provisions, Section 3(3). All reports shall be certified by a responsible official pursuant to 401 KAR 52:020 Section 23. All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
 - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall submit written notice upon request.
8. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7. above) to the Regional Office listed on the front of this permit within *30 days*. Other deviations from permit requirements shall *be included in the semiannual report required by Section F.6* [Section 1b (V) 3, 4. of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
9. Pursuant to 401 KAR 52:020, Permits, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit and the U.S. EPA in accordance with the following requirements:
 - a. Identification of the term or condition;
 - b. Compliance status of each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent;
 - d. The method used for determining the compliance status for the source, currently and over the reporting period.
 - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

- f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications should be mailed to the following addresses:

Division for Air Quality
Frankfort Regional Office
643 Teton Trail, Suite B
Frankfort, KY 40601-1758

U.S. EPA Region IV
Air Enforcement Branch
Atlanta Federal Center
61 Forsyth St.
Atlanta, GA 30303-8960

Division for Air Quality
Central Files
803 Schenkel Lane
Frankfort, KY 40601

10. In accordance with 401 KAR 52:020, Section 22, the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee.
11. Pursuant to Section VII (3) of the policy manual of the Division for Air Quality as referenced in 401 KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days after the completion of the fieldwork.

SECTION G - GENERAL PROVISIONS

(a) General Compliance Requirements

1. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of 401 KAR 52:020 and of the Clean Air Act and is grounds for enforcement action including but not limited to termination, revocation and reissuance, revision or denial of a permit [Section 1a, 3 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020 Section 26].
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a, 6 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:020, Section 19. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:020, Section 12;
 - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

3. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or compliance with the conditions of this permit [Section 1a, 7,8 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
4. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such facts or corrected information to the permitting authority [401 KAR 52:020, Section 7(1)].

SECTION G - GENERAL PROVISIONS (CONTINUED)

6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a, 14 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a, 4 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
8. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens of the United States [Section 1a, 15 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6) [Section 1a, 10 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:020, Section 11(3)(b)].
11. This permit does not convey property rights or exclusive privileges [Section 1a, 9 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry [401 KAR 52:020, Section 11(3)(d)].
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders [401 KAR 52:020, Section 11(3)(a)].
15. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.

SECTION G - GENERAL PROVISIONS (CONTINUED)

16. Pursuant to 401 KAR 52:020, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of issuance. Compliance with the conditions of a permit shall be considered compliance with:
 - (a) Applicable requirements that are included and specifically identified in the permit and
 - (b) Non-applicable requirements expressly identified in this permit.
- (b) Permit Expiration and Reapplication Requirements
 1. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:020, Section 12].
 2. The authority to operate granted shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:02+0 Section 8(2)].
- (c) Permit Revisions
 1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:020, Section 14(2).
 2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.
- (d) Construction, Start-Up, and Initial Compliance Demonstration Requirements

NA
- (e) Acid Rain Program Requirements

NA

SECTION G - GENERAL PROVISIONS (CONTINUED)

(f) Emergency Provisions

1. Pursuant to 401 KAR 52:020 Section 24(1), an emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or relevant evidence that:
 - a. An emergency occurred and the permittee can identify the cause of the emergency;
 - b. The permitted facility was at the time being properly operated;
 - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
 - d. Pursuant to 401 KAR 52:020, 401 KAR 50:055, and KRS 224.01-400, the permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
 - e. This requirement does not relieve the source of other local, state or federal notification requirements.
2. Emergency conditions listed in General Condition (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:020, Section 24(3)].
3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:020, Section 24(2)].

(g) Risk Management Provisions

1. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

RMP Reporting Center
P.O. Box 3346
Merrifield, VA, 22116-3346

2. If requested, submit additional relevant information to the Division or the U.S. EPA.

(h) Ozone depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
 - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.

SECTION G - GENERAL PROVISIONS (CONTINUED)

- b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166
 - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.

SECTION H - ALTERNATE OPERATING SCENARIOS

N/A

SECTION I - COMPLIANCE SCHEDULE

NA